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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,294

05/18/2007

Jobst Hoerentrup

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EXAMINER

TILLERY, RASHAWN N

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

03/17/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,294	<b>Applicant(s)</b> HOERENTRUP ET AL.	
	<b>Examiner</b> RASHAWN TILLERY	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                     |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                         | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 12/17/2009.
2. Claims 1-13 are pending in this application. Claims 1, 8, 12 and 13 are independent claims. In the instant Amendment, claims 1, 8 and 12 were amended and claim 13 was added. This action is made Final.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13 rejected under 35 U.S.C. 102(b) as being anticipated by Maeda (US 5977976).

Regarding claim 1, Maeda discloses a method for generating a displayable menu from data of a menu data segment, the menu comprising separately rendered menu selectable menu buttons (see fig 5, 100a, 100b and 100c; Examiner notes that menu keys 104 and 111 are separately rendered in a menu upon user selection of either “EFFECT” key 102 or “FADER” key 103, respectively) wherein

at least one group of two or more menu buttons is defined in said menu data segment (Examiner’s defining keys 104 and 111 as a group), wherein each of the two or more menu buttons has associated a defined area (see fig 5, where the menu keys 104

and 111 occupy the same position in their respective menus 100b and 100c) on the display;

a menu button may belong to not more than one of said groups (see fig 5; Examiner notes that menu keys 104 and 111 belong to one group);

a state is assigned to each menu button, the state being "enabled" or "disabled", wherein only an enabled menu button may be displayed (see fig 5; Examiner notes that only menu key 104 is displayed when the "EFFECT" key is selected), and wherein not more than one menu button within a group may be enabled simultaneously (see fig 5; Examiner notes that menu keys 104 and 111 can not be enabled simultaneously since menus 100b and 100c can only be displayed upon selection of either "EFFECT" key 102 or "FADER" key 103, respectively).

Regarding claim 2, Maeda discloses the areas of menu buttons that belong to different groups do not overlap and no display pixel may belong to more than one group (see fig 5 where menu keys 104 and 111 are shown adjacent to menu keys 106 and 113).

Regarding claim 3, Maeda discloses the area associated with a group comprises a plurality of partial areas not connected with each other (see fig 5 where menu keys 104 and 111 are shown).

Regarding claim 4, Maeda discloses said group has associated a rectangular area, and wherein visible menu button that belong to said group cover only a part of said area, or cover said area completely (see fig 5 where menu key 104 is shown).

Regarding claim 5, Maeda discloses all visible menu buttons within a group cover

the same part of said rectangular area (see fig 5; Examiner notes that menu keys 104 and 111 can not be enabled simultaneously since menus 100b and 100c can only be displayed upon selection of either "EFFECT" key 102 or "FADER" key 103, respectively).

Regarding claim 6, Maeda discloses a menu button has an associated command, the command being executed upon activation of the menu button, and the command comprising enabling or disabling of another menu button (see fig 5, 100e where the "MOSAIC" key is activated).

Regarding claim 7, Maeda discloses the menu relates to audio-visual content of a removable storage medium, and the menu data are stored on said medium (see col. 15, line 33 to col. 16, line 66 where the video camera is discussed).

Claims 8 and 9 are similar in scope to claims 1 and 2 respectively, and are therefore rejected under similar rationale.

Regarding claim 10, Maeda discloses a menu button has an associated command, the command being executed upon activation of the menu button, and the command comprising enabling or disabling of another menu button (see fig 5, 100e where the "MOSAIC" key is activated).

Regarding claim 11, Maeda discloses the menu relates to an audio-visual multimedia presentation being stored on a removable storage medium, and wherein the data stream is also stored on said medium (see col. 15, line 33 to col. 16, line 66 where the video camera is discussed).

Claim 12 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 13 is similar in scope to claim 1 and is therefore rejected under similar rationale.

### ***Response to Arguments***

5. Applicant's arguments filed 12/17/2009 have been fully considered but they are not persuasive.

Regarding Applicant's arguments concerning Maeda failing to disclose that a button group is defined in the menu structure as claimed, the Examiner respectfully disagrees.

Maeda discloses two separate "menu structures" in fig 5 100b and 100c. Menu structure 100b is rendered upon user selection of "EFFECT" button 102 and reveals menu keys 104, 106 108, etc. Menu structure 100c is rendered upon user selection of "FADER" menu button 103 and reveals menu keys 111, 113, 115, etc.

Regarding Applicant's arguments concerning Maeda failing to disclose a state is assigned to each button as claimed, the Examiner respectfully disagrees.

Maeda discloses that menu keys 104 and 111 can not be accessed simultaneously since menus 100b and 100c can only be displayed upon selection of either "EFFECT" key 102 or "FADER" key 103, respectively. Therefore, when menu key 104 is displayed, the "state" assigned to it could be interpreted as "enabled;" while the "state" assigned to menu key 111 could be interpreted as "disabled."

***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RASHAWN TILLERY/  
Examiner, Art Unit 2174

/DENNIS-DOON CHOW/  
Supervisory Patent Examiner, Art Unit 2174